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**REDACTED COPY**

**ORIGINAL**

**PUBLIC REFERENCE COPY**

April 2, 2012

**FILED/ACCEPTED**

**VIA HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-B204  
Washington, DC 20554

APR - 2 2012

Federal Communications Commission  
Office of the Secretary

With a copy to:

Karen Majcher  
Vice President, High Cost & Low Income Division  
Universal Service Administrative Company  
2000 L Street, N.W., Suite 200  
Washington, DC 20036

Re: Federal-State Joint Board on Universal Service  
WC Docket No. 09-197

Dear Secretary Dortch:

On behalf of DoCoMo Pacific, Inc. (SAC 669001 for Guam) ("DOCOMO"), please find attached a redacted, public version of DoCoMo Pacific's Annual ETC Report under Section 54.209 of the FCC's Rules ("ETC Report"). The attached ETC Report has been marked **"REDACTED – FOR PUBLIC INSPECTION."**

DoCoMo Pacific is also submitting, under separate cover, a confidential version of this ETC Report. The confidential version is marked **"CONFIDENTIAL – NOT FOR PUBLIC INSPECTION."**

An original and four (4) copies of this ETC Report are enclosed. An additional copy has been provided, which you are requested to date-stamp and return in the envelope provided.

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**PUBLIC REFERENCE COPY**

Please contact the undersigned at 703-584-8678 if any questions arise concerning the above-referenced enclosures or if you require any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Daw' followed by a stylized 'L' and a checkmark-like flourish.

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David A. LaFuria  
Todd Slamowitz  
Steven M. Chernoff

Attorneys for:  
*Docomo Pacific, Inc.*

REDACTED – FOR PUBLIC INSPECTION

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
Federal-State Joint Board on )  
Universal Service )  
\_\_\_\_\_ )

WC Docket No. 09-197  
FILED/ACCEPTED

APR - 2 2012

DOCOMO PACIFIC, INC.  
ANNUAL REPORT

Federal Communications Commission  
Office of the Secretary

Docomo Pacific, Inc. (“Docomo Pacific” or “the Company”) an Eligible Telecommunications Company in the territories of Guam and the islands of Saipan, Tinian and Rota in the Commonwealth of the Northern Mariana Islands hereby provides the Commission with an annual compliance filing containing information as set forth in in Section 54.313 of the Commission’s Rules<sup>1</sup> and in the Commission’s Report and Order in the above-captioned WC Docket No. 10-90 proceeding.<sup>2</sup> The subject Annual Report relates to Guam only.<sup>3</sup>

<sup>1</sup> 47 C.F.R. § 54.313. The Wireline Competition Bureau and the Wireless Telecommunications Bureau have clarified “that ETCs that have been designated by the Commission are still required to file . . . information [specified in 47 C.F.R. § 54.313(a)(2)-(6)] with respect to their provision of voice service during 2011.” *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Order, DA 12-147 (WCB, WTB, rel. Feb. 3, 2012), 77 Fed. Reg. 14297 (Mar. 9, 2012) (“February 3 Order”), at para. 9.

<sup>2</sup> *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 2011 WL 5844975 (rel. Nov. 18, 2011), 76 Fed. Reg. 73830 (Nov. 29, 2011), 76 Fed. Reg. 78384 (Dec. 16, 2011), 76 Fed. Reg. 81562 (Dec. 28, 2011) (“CAF Order”), *recon.*, FCC 11-189 (rel. Dec. 23, 2011), *further recon. pending, petitions for review pending, Direct Commc’ns Cedar Valley v. FCC*, No. 11-9581 (10th Cir. filed Dec. 18, 2011) (and consolidated cases).

<sup>3</sup> DoCoMo Pacific was first designated as an ETC in Guam on January 24, 2002. *See Federal-State Joint Board on Universal Service, DoCoMo Pacific PACIFIC, INC. d/b/a Guam Cellular and Paging, Inc Petition for Designation as an Eligible Telecommunications Carrier in the Territory of Guam*, 17 FCC Rcd 1502, 1506-07 (2002). DoCoMo Pacific is filing a separate ETC Report for Saipan, Tinian, and Rota.

**1. Construction Plan Progress and Use of Support**

Pursuant to Section 54.313(a)(1) of the Commission's Rules, an ETC must provide:

A progress report on its five-year service quality improvement plan pursuant to §54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year.<sup>4</sup>

Attached hereto as Exhibit A is an updated service quality improvement plan covering 2012-2013.<sup>5</sup>

From January 1, 2011 through December, 2011, the company received a total of \$[REDACTED] in high-cost support from the Universal Service Fund for its ETC designation relating to Guam.

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<sup>4</sup> 47 C.F.R. § 54.313(a)(1). *See CAF Order* at para. 580 (footnote omitted) (emphasis added) (concluding that "all ETCs must include in their annual reports the information that is currently required by section 54.209(a)(1)-(a)(6)—specifically, *a progress report on their five-year build-out plans*; data and explanatory text concerning outages; unfulfilled requests for service; complaints received; and certifications of compliance with applicable service quality and consumer protection standards and of the ability to function in emergency situations").

<sup>5</sup> The information contained in Exhibit A is proprietary and competitively sensitive. DoCoMo Pacific therefore is submitting the entirety of Exhibit A under seal and subject to DoCoMo Pacific's request for confidential treatment. Exhibit A includes a progress report covering only two years in light of the fact that the Commission has indicated that:

Recognizing that existing five-year build out plans may need to change to account for new broadband obligations set forth in this Order, we require all ETCs to file a new five-year build-out plan in a manner consistent with 54.202(a)(1)(ii) [of the Commission's Rules] by April 1, 2013. Under the terms of new section 54.313(a) [of the Commission's Rules], all ETCs will be required to include in their annual 54.313 reports information regarding their progress on this five-year broadband build-out plan beginning April 1, 2014.

*CAF Order* at para. 587. *See February 3 Order* at para. 6. In light of this requirement to submit a new five-year build-out plan as part of its April 2013 annual report, DoCoMo Pacific has concluded that the progress report in the attached Exhibit A regarding its current service quality improvement plan should include projections only through 2013.

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During the same period, Docomo Pacific invested \$ [REDACTED] in capital improvements, and another \$ [REDACTED] in other eligible improvements to infrastructure and services, not counting General and Administrative expenses, for a total of \$ [REDACTED], far exceeding the amount of high cost support it received during 2011.

Since its designation, Docomo Pacific has used its high-cost support to improve existing cell site coverage, capacity, performance and reliability by upgrading antennas, deploying generators, and installing microwave links.

During the twelve month period between Jan 1, 2011, and Dec 31, 2011 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**2. Outage Reporting**

During the twelve month period from January 1, 2011 through December, 2011, Docomo Pacific experienced no outages of 30 minutes or more in duration on the facilities it owns, operates, leases, or otherwise utilizes that potentially affect at least ten percent of the end users served in its designated service area in Guam or affecting any 911 special

facilities, pursuant to the Federal Communications Commission's *Outage Reporting Order*.<sup>6</sup>

### 3. Service Requests

During the twelve month period from January 1, 2011 through December, 2011, there were [REDACTED] for service from potential customers within the designated ETC service area. A summary of trouble tickets is provided as Exhibit B. Furthermore, Docomo Pacific hereby certifies that it continues to follow the six-step process for provisioning service to requesting customers.<sup>7</sup>

Specifically, in response to such requests for service at a residence or business, Docomo Pacific will take the following steps:

1. If a request comes from a customer within its existing network, Docomo Pacific will provide service immediately using its standard customer equipment.
2. If a request comes from a customer residing in any area where Docomo Pacific does not provide service, Docomo Pacific will take a series of steps to provide service.

- \* First, it will determine whether the customer's equipment can be modified or replaced to provide acceptable service.

- \* Second, it will determine whether a roof-mounted antenna or other network equipment can be deployed at the premises to provide service.

- \* Third, it will determine whether adjustments at the nearest cell site can be made to provide service.

- \* Fourth, it will determine whether there are any other adjustments to network

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<sup>6</sup> See *New Part 4 of the Commission's Rules Concerning Disruptions to Communications Report and Order and Further Notice of Proposed Rulemaking*, 199 FCC Rcd 16830, 16923-24, §4.5 (2004) ("Outage Reporting Order"). See also 47 C.F.R. § 54.209(a)(2).

<sup>7</sup> See 47 C.F.R. § 54.202(a)(1)(A).

or customer facilities which can be made to provide service.

\* Fifth, it will explore the possibility of offering the service of Docomo Pacific's other technology service that has different coverage footprint.

\* Sixth, it will determine whether an additional cell site, a cell-extender, or repeater can be employed or can be constructed to provide service, and evaluate the costs and benefits of using scarce high-cost support to serve the number of customers requesting service. If there is no possibility of providing service short of these measures, Docomo Pacific will notify the customer and provide the FCC with a summary of the requests for service that could not be filled in its next annual certification report. The FCC will retain authority to resolve any customer complaints that Docomo Pacific has refused to respond to a reasonable request for service.

#### **4. Consumer Complaints**

During the twelve month period from January 1, 2011 through December 31, 2011, Docomo Pacific [REDACTED] having been filed with either the Guam Public Utilities Commission or the FCC in the designated ETC service area.<sup>8</sup> A summary and response [REDACTED] attached as Exhibit C.

#### **5. Commitment to CTIA's Consumer Code for Wireless Services.**

In the *ETC Certification Order*, the FCC reiterated that carriers must certify that they comply with applicable service quality and consumer protection standards, e.g., the CTIA Consumer Code for Wireless Services ("CTIA Code").<sup>9</sup> Docomo Pacific hereby

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<sup>8</sup> 47 C.F.R. § 54.209(a)(4).

<sup>9</sup> 47 C.F.R. §§ 54.209(a)(5); 54.202(a)(3). Under the CTIA Consumer Code, wireless carriers agree to: (1) disclose rates and terms of service to customers; (2) make available maps showing where service is generally available; (3) provide contract terms to customers and confirm changes in service; (4) allow a trial period for new service; (5) provide specific disclosures in advertising; (6) separately identify carrier charges from taxes on billing statements; (7) provide customers the right to terminate service for changes to

**REDACTED – FOR PUBLIC INSPECTION**

certifies that it abides by the CTIA Code, as it may be amended from time to time, for all of its operations in Guam. The Company has implemented a majority of the CTIA Code. Additionally, Docomo Pacific is now actively preparing to file for CTIA formal certification approval as a wireless carrier that has adopted those specific principles and practices for calendar year 2012.

Docomo Pacific notes that, with respect to the recently added eleventh point of the CTIA Code relating to “bill shock,” CTIA has indicated the following:

Each wireless provider will provide, at no charge: (a) a notification to consumers of currently-offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently-offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Each wireless provider shall provide its customers at least two of these alerts by October 17, 2012 and all of these alerts by April 17, 2013. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor and/or set limits on voice, messaging and data usage.<sup>10</sup>

Docomo Pacific intends to comply with the provisions of the eleventh point of the CTIA Code pursuant to the implementation schedule established in the Code.

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contract terms; (8) provide ready access to customer service; (9) promptly respond to consumer inquiries and complaints received from government agencies; and (10) abide by policies for protection of consumer privacy. The CTIA Code can be viewed on the Web at <http://files.ctia.org/pdf/ConsumerCode.pdf>.

<sup>10</sup> CTIA Code, [http://www.ctia.org/consumer\\_info/service/index.cfm/AID/10352](http://www.ctia.org/consumer_info/service/index.cfm/AID/10352) (accessed Mar. 13, 2012).

**6. Ability to Remain Functional in Emergencies.**

Section 54.202(a)(2) of the FCC's Rules requires an ETC applicant to:

demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

Once designated, an ETC must provide annually a "certification that the carrier is able to function in emergency situations as set forth in Section 54.201(a)(2)"<sup>11</sup>

Docomo Pacific is mindful of the importance of ensuring uninterrupted service so that law enforcement and public safety officials, as well as the general public, can make important calls in the event of a hurricane or other emergency. Docomo Pacific hereby certifies that the company is capable to function in emergency situations as defined in the above-referenced *ETC Report and Order* via the company's Network Operations Center that is backed up from commercial power by a primary and secondary 175 KW generators with full automatic transfer functions. Generators are fueled from a 2000 gallon diesel storage tank. Traffic between the LEC and Docomo Pacific is divided between fiber optic cable and standard copper cable and therefore enables the ability to reroute where necessary. Docomo Pacific also certifies that the company has in place an automated notification system and manual procedures for the management of traffic spikes resulting from emergency situations.

**7. Local Usage.**

In the *ETC Report and Order*, the Commission concluded that each ETC must annually certify that it offers at least one local usage plan comparable to the one offered by

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<sup>11</sup> 47 C.F.R. § 54.202(a)(2).

the incumbent LEC in the service areas for which the applicant seeks designation.<sup>12</sup> In the *ETC Report and Order* on which that requirement was based, FCC declined to adopt a specific local usage threshold or require that an applicant match the incumbent's offering. Rather, the FCC concluded that the comparability of rate plans should be evaluated on a case-by-case basis, in consideration of the number of included minutes, the size of the "local" calling area, monthly price, and other factors. As examples, the FCC mentioned that an applicant may offer "a local calling plan that has a different calling area than the local exchange area provided by the LECs in the same region, or . . . a specified number of free minutes of service within the local service area."<sup>13</sup> The FCC also envisioned cases where an applicant may offer an unlimited calling plan that bundles local minutes with long distance minutes.<sup>14</sup>

Docomo Pacific satisfies the FCC's local usage requirement. Customers may choose from a variety of plans with different combinations of local calling areas, included minutes, and monthly rates, to suit individual consumer needs. For example, Docomo Pacific's 5,000 Minute Plan, which offers 5,000 minutes and has a home (roaming free) calling area consist of Guam, Saipan, Rota and Tinian. The plan is available for a monthly price of \$59.50. Docomo Pacific also offers a number of lower-priced usage plans for customers with lower monthly usage. For example, the 500 minute plan bundled with unlimited local SMS is priced at \$19.50.

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<sup>12</sup> 47 C.F.R. § 54.209(a)(7).

<sup>13</sup> See *ETC Report and Order*, *supra*, 20 FCC Rcd at 6385.

<sup>14</sup> *Id.*

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Customers seeking both low cost and flexibility can select Docomo Pacific's prepaid offerings, which is priced at 20 cents per minute. These offerings allow customers to pay for blocks of minutes in increments of \$5, \$10 or \$20. There are no contracts, monthly charges, activation fees, credit checks, or term commitments. Docomo Pacific's service offerings described above allow consumers to select a plan that provides them with equal or greater value than a wireline rate plan, which can require customers to pay significant per-minute toll charges for calls made to locations beyond a small local calling area. Providing deeper geographic reach delivers a significant benefit to the consumer, and the FCC has cited studies concluding that "wireless service is cheaper than wireline, particularly if one is making a long distance call or when traveling."<sup>15</sup>

In sum, Docomo Pacific certifies that it offers at least one plan that is comparable to ILEC rate plans under the applicable FCC test. The rate plans offered by Docomo Pacific can be accessed via the Internet at the following Web Address:  
[www.docomopacific.com](http://www.docomopacific.com) under Products and Services, Wireless, Rate Plans.

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<sup>15</sup> *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, Annual Report & Analysis of Competitive Market Conditions with Respect to Commercial Mobile Servs., Twelfth Report*, 23 FCC Rcd. 2241, 2342 (2007) ("Twelfth CMRS Competition Report").

**8. Equal Access.**

As required of applicants before the FCC under the *ETC Report and Order*,<sup>16</sup> Docomo Pacific acknowledges that the FCC may require it to provide equal access to interexchange carriers in the event no other ETC is providing equal access in the designated ETC service area.

We trust that you will find this to be responsive to the compliance materials requested in the *ETC Report and Order* and in the orders designating Docomo Pacific as an ETC in Guam.

Respectfully submitted,



David A. LaFuria  
Todd Slamowitz  
Steven M. Chernoff  
Lukas, Nace, Gutierrez & Sachs  
8300 Greensboro Drive, Suite 1200  
McLean, VA 22102  
(703)584-8666

Attorneys for:  
*Docomo Pacific Inc.*

Dated: April 2, 2012

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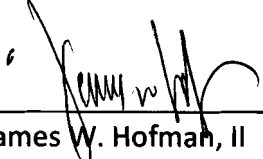
<sup>16</sup> See *ETC Report and Order*, *supra*, 20 FCC Rcd at 6386.

**DECLARATION UNDER PENALTY OF PERJURY**

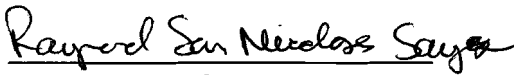
I, James W. Hofman, II, do hereby declare under penalty of perjury as follows:

1. I am General Counsel and Corporate Secretary of DoCoMo Pacific, Inc ("DoCoMo Pacific").
2. This Affidavit is submitted in support of DoCoMo Pacific's Annual Compliance Filing and Request for Recertification for Guam, pursuant to *Report and Order In the Matter of the Federal-State Joint Board on Universal Service*, FCC 05-46 (rel. March 17, 2005) and Sections 54.202 and 54.209 of the FCC's Rules.
3. I declare under penalty of perjury that the statements contained in the foregoing Annual Compliance Filing are true and correct to the best of my knowledge, information and belief.

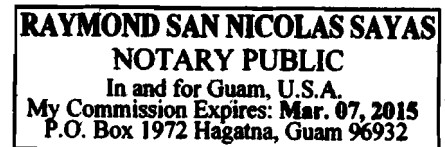
Executed on March 27<sup>th</sup>, 2012

  
\_\_\_\_\_  
James W. Hofman, II  
General Counsel and Corporate Secretary  
DoCoMo Pacific, Inc.

**SUBSCRIBED, SWORN TO AND ACKNOWLEDGED** before me this \_\_\_ day of March, 2012.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: 3/7/2015



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**Exhibit A**

**Updated Five-Year Service Quality Improvement Plan**

**THIS EXHIBIT IS WITHHELD AS THE FILER  
HAS REQUESTED CONFIDENTIAL TREATMENT**

**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit B**

**THIS EXHIBIT IS WITHHELD AS THE FILER  
HAS REQUESTED CONFIDENTIAL TREATMENT**

**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit C**

**THIS EXHIBIT IS WITHHELD AS THE FILER  
HAS REQUESTED CONFIDENTIAL TREATMENT**

**REDACTED – FOR PUBLIC INSPECTION**

**Exhibit D**

**THIS EXHIBIT IS WITHHELD AS THE FILER  
HAS REQUESTED CONFIDENTIAL TREATMENT**